

1 STEPHEN J. ERIGERO (SBN 11562)  
2 TIMOTHY J. LEPORE (SBN 13908)  
3 LAEL D. ANDARA (California SBN 215416)  
4 MARIE E. SOBIESKI (California SBN 278008)  
5 ROPERS, MAJESKI, KOHN & BENTLEY  
6 3753 Howard Hughes Pkwy., Suite 200  
7 Las Vegas, NV 89169  
8 Telephone: (702) 954-8300  
9 Facsimile: (650) 780-1701  
10 Email: stephen.erigero@rmkb.com  
11 timothy.lepore@rmkb.com  
12 lael.andara@rmkb.com  
13 marie.sobieski@rmkb.com

14 Attorneys for Plaintiffs  
15 EQUALIA, LLC and HOVERBOARD  
16 TECHNOLOGIES CORPORATION

17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF NEVADA

19 EQUALIA, LLC, a California limited  
20 liability company, and HOVERBOARD  
21 TECHNOLOGIES CORPORATION, a  
22 California corporation,

23 Plaintiffs,

24 v.

25 KUSHGO LLC dba HALO BOARD, a  
26 California limited liability company;  
27 HALO BOARD LLC, an Oregon limited  
28 liability company; ARTHUR  
ANDREASYAN, an individual; and  
SHENZHEN WINDGOO INTELLIGENT  
TECHNOLOGY CO. LTD., a foreign  
company,

Defendants.

CASE NO. 2:16-cv-02851-RFB-CWH

**DECLARATION OF LAEL D. ANDARA IN  
SUPPORT OF PLAINTIFFS'  
EMERGENCY MOTION FOR ENTRY OF  
A TEMPORARY RESTRAINING ORDER,  
SEIZURE ORDER, AND PRELIMINARY  
INJUNCTION**

I, Lael D. Andara, hereby declare as follows:

1. I am a partner in the law firm of Ropers Majeski Kohn & Bentley, counsel for  
2. Equalia LLC and Hoverboard Technologies Corporation (collectively, "Equalia") in this action. I

DECLARATION OF LAEL D. ANDARA IN SUPPORT  
OF MOTION FOR A TEMPORARY RESTRAINING  
ORDER, SEIZURE, AND PRELIMINARY INJUNCTION

1 am a member in good standing of the California State Bar, New York State Bar, the District of  
 2 Columbia, and this Court. I have personal knowledge of the facts stated here and am familiar with  
 3 the documents referred to below.

4       2. If called as a witness, I would competently testify to the following facts, all of  
 5 which are within my own personal knowledge.

6 **EVIDENCE OF DIRECT COPYING**

7       3. On April 28, 2016, Kushgo filed a trademark application for the word mark  
 8 HALO BOARD, serial number 87017860. A true and correct copy of this trademark application  
 9 is attached hereto as **Exhibit A**. The application was subsequently assigned to Halo Board, which  
 10 provided its address in Beaverton, Oregon. *See Exhibit A, pg. 7.* The specimen Kushgo submitted  
 11 in connection with its trademark application shows a hoverboard (Fig. 1) identical to Equalia's  
 12 Product (Fig. 2).

13 *See Exhibit A, pg.*

14 6. From my  
 15 review of the  
 16 www.hoverboard.  
 17 com website, I  
 18 recall that the  
 19 design was  
 20 publically  
 21 advertised from  
 22 approximately  
 23 September 2015  
 24 to present.

25       ///

26       ///

**Kushgo Trademark Specimen - April 28, 2016**



**Fig. 1**



1       **SERVICE OF DEFENDANT**

2       4.     My office has gone to great lengths to serve each of the Defendants with the  
3     Complaint and Summons since filing, but each of the Defendants have proven difficult to locate  
4     and serve. I believe this because they have no true consumer facing locations in the United States.  
5     This is easily verified by a review of the website: <https://www.haloboard.com/>.

6       5.     Defendant Halo Board professes to be an Oregon limited liability company, as  
7     declared to the USPTO through its trademark assignment filing. *See Exhibit A*, pg. 7. However,  
8     Halo Board does not appear to be registered with the Oregon Secretary of State. The address used  
9     for the trademark application assignment appears to be a police station. The website at  
10    [www.haloboard.com](http://www.haloboard.com) includes an "About Us" page which extols the company's virtues, stating  
11    that it is "headquartered in Los Angeles" and has "a global workforce of over 500." Our further  
12    efforts to locate a valid address or agent for service of process for Halo Board have been  
13    unsuccessful.

14       6.     Upon information and belief, Defendant Windgoo is a foreign company based in  
15    the People's Republic of China ("PRC"). Service of process on a corporation in the PRC must be  
16    made through the Hague Convention, which requires the intervention of both United States and  
17    Chinese state agencies. This process typically takes many months, if it is effective at all. Though  
18    Equalia is in process of attempting to serve Windgoo through the Hague Convention, service has  
19    not yet been effectuated.

20       7.     My office has also attempted to effectuate service on Windgoo at the Upland,  
21    California address it provided in correspondence with Robert Bigler, but was unsuccessful. We  
22    subsequently located an alternate warehouse address in City of Industry, California, but when the  
23    server arrived he was informed that the company that operated the facility was not Defendant  
24    Shenzhen Windgoo Intelligent Technology Co. Ltd., but Shenzhen FSX International Intelligent  
25    Technology Co., Ltd. That company representative refused service.

26       8.     All evidence we have seen in attempting to serve the defendants evidences that

1       neither Kushgo nor Halo Board maintains a physical presence in the United States.

2       9.       I have read the email from Chinese manufacturer Windgoo to Robert Bigler that it  
3       maintains a warehouse in Upland, California, which is less than fifty miles from Kushgo's listed  
4       Studio City address. The hoverboards that Windgoo manufactures and sells through its warehouse  
5       are identical to those marketed and sold by Kushgo and Halo Board. Given the information  
6       revealed in attempting to serve these Defendants, the evidence indicates that these entities are one  
7       and the same.

8       10.      The address provided by Kushgo in papers it filed with its July 8, 2016 Complaint  
9       in *Kushgo v. Segway*, the Arizona District Court case no. 2:16-cv-02249, lead to a post-office box  
10      in Studio City, California.

11      11.      Kushgo's filings in the Arizona District Court case also include an exhibit showing  
12      that Defendant Arthur Andreasyan is the contact for Kushgo's domain registrations. A true and  
13      correct copy of this exhibit is attached hereto as **Exhibit B**. However, Mr. Andreasyan lists  
14      himself as the Chief Executive Office of Halo Board on his LinkedIn page. A true and correct  
15      copy of Mr. Andreasyan's LinkedIn profile is attached hereto as **Exhibit C**. Our efforts to locate  
16      and serve Mr. Andreasyan have not been successful.

17      12.      On **December 15, 2016**, Equalia was finally able to serve Kushgo LLC through  
18      the agent for service of process listed on the California Secretary of State, although not at the  
19      address it had listed. Evidence of service is attached hereto as **Exhibit D**.

20      13.      On **December 21, 2016**, I contact the attorney listed on the pleading in the case  
21      referenced above. I was informed by counsel Maria Crimi Speth of Jaburg & Wilk that Michael  
22      Dvoren represented Halo Board and I would need to contact him, but he was on vacation.

23      14.      On **December 22, 2016**, I received an email from Steven Rinehart stating: "It  
24      appears at this time my office will be handling the defense in Case No. 2:16-cv-2851 in Nevada. I  
25      wanted to introduce myself and make sure you had my contact information. Are you seeking an  
26      acceptance of service?" Mr. Rinehart also left a voicemail with local counsel in Nevada, but in

1 neither that voicemail nor his email did Mr. Reinhart identify which of the four defendants he  
2 might represent. I responded promptly to Mr. Rinehart's email and requested that information, so  
3 that I could determine if he represented a client who needed to be served.

4 15. Mr. Reinhart responded on **December 27, 2016**. My associate, Marie E. Sobieski,  
5 spoke him by telephone the same day. She informed me that Mr. Reinhart would represent  
6 Defendants Kushgo LLC, Halo Board LLC, and Arthur Andreasyan, and agreed to accept serve  
7 on behalf of the unserved Defendants Halo Board LLC and Arthur Andreasyan. It is my further  
8 understanding and belief that Ms. Sobieski informed Mr. Reinhart that we would move for a  
9 temporary restraining order if his clients would not stipulate to withhold showing the infringing  
10 products at the upcoming CES. Ms. Sobieski subsequently provided Mr. Andreasyan with a full  
11 copy of the Complaint and Summons, as well as a waiver of service for his execution for Halo  
12 Board LLC and Arthur Andreasyan, by email.

13        16.     On **December 28, 2016**, Mr. Reinhart informed my office by email that his clients  
14 would not agree to the requested stipulation, and I directed my office to file the present  
15 emergency motion.

16        17. Upon the filing of this motion, my office will promptly email Mr. Rinehart a copy  
17 of the papers filed herewith.

18. Upon the filing of this motion, my office will promptly email Defendant Windgoo  
19. at its two known email addresses with a copy of the papers filed herewith.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
21 December 28, 2016, in Seattle, Washington.

/s/ Lael D. Andara  
LAEL D. ANDARA